

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. The Applicants have previously amended Claims 1 and 8, canceled Claims 3 and 10 without prejudice or disclaimer and added Claims 21-22. In the present response, the Applicants have not canceled, added or amended any claims. Accordingly, Claims 1-2, 4-9 and 11-22 are currently pending in the application.

I. Rejection of Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,259,710 to Junghans. The Applicants respectfully disagree since Junghans does not teach communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone including identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the transmitter to transmit the data to the receiver over the voice channel as recited in Claims 1, 8 and 15.

Junghans is directed to a digital enhanced cordless telecommunications (DECT) system including a base station (transmitter) and a receiver (cordless handset). (See column 1, lines 7-10 and Figure 2.) The DECT system has two communication channels that are used for control data (C-plane) and for user data (U-plane), respectively. (See column 1, lines 23-34.) Junghans teaches a silence detector circuit 306 that determines periods of silence within voice data 302 transmitted through the U-plane. By determining the periods of silence, Junghans is able to direct the control data through the U-plane during the silence periods. (See column 5, lines 27-33.)

Junghans does not teach, however, responding to the silence periods by causing the base station (transmitter) to transmit data to the cordless handset (receiver) over the U-plane. On the contrary, Junghans teaches detecting silence in voice data that is being transmitted from the cordless handset (receiver) to the base station (transmitter). This is evident since the silence detector circuit is located in the cordless handset and since the periods of silence are when a user of the cordless handset is not speaking. (See column 5, lines 23-27 and lines 53-55 and column 1, lines 29-34.) Accordingly, Junghans does not teach responding to the pause by causing the transmitter to transmit the data to the receiver over the voice channel as recited in Claims 1, 8 and 15.

Since Junghans fails to teach all of the elements of independent Claims 1, 8 and 15, Junghans does not anticipate Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102(e) and issue allowance thereof.

Specifically addressing dependent Claims 21-22, the Examiner asserts that Junghans teaches a system that receives voice traffic and data from a telephone line. (See Examiner's Final Action, page 3 and column 4, lines 45-65 of Junghans.) The Applicants respectfully disagree since Junghans provides no teaching that the control data which is transmitted during periods of silence is received over a telephone line. On the contrary, the transmitted control data is utilized between the base station and receiver within the DECT system. (See column 1, lines 28-30 and column 3, lines 7-12.) The data that the Examiner refers to in column 4 of Junghans is not the control data but includes voice data or digital data. Instead of being inserted, this voice or digital data is examined to determine periods of silence for inserting the control data. (See column 6, lines 31-33.) Thus, the data that is received via a telephone line in Junghans is not the data (control data) that is inserted in

periods of silence. Accordingly, Junghans does not teach receiving voice traffic and data from a telephone line as recited in Claims 21-22.

II. Rejection of Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103

The Examiner has rejected Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Junghans in view of U.S. Patent No. 6,349,212 to Martensson, *et al.* (Martensson). The Applicants respectfully disagree.

As discussed above, Junghans fails to teach all of the elements of the inventions recited in independent Claims 1, 8 and 15. Junghans also fails to suggest each element of independent Claims 1, 8 and 15 since Junghans teaches detecting periods of silence within voice data being transmitted from a cordless handset to a base station and does not teach responding to a pause in voice traffic by causing the transmitter of a base station to transmit data to the receiver of a handset as recited in Claims 1, 8 and 15. (See column 5, line 65 to column 6, line 24.) Martensson is directed to a cordless telephone arrangement including a base station and a plurality of mobile stations. (See column 1, lines 7-11.) Martensson has not been cited to cure the deficiencies of Junghans but to teach data comprising caller identification data and data comprising menu item selection data. (See Examiner's Final Action, page 3.) Thus, the cited combination of Junghans and Martensson does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 4-5, 11-12 and 17-18, which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's §103(a) rejection of Claims 4-5, 11-12 and 17-18 and respectfully request an issue of allowance thereof.

III. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(e) as being unpatentable over Junghans in view of U.S. Patent No. 6,301,287 to Walley, *et al.* (Walley). As discussed above, Junghans fails to teach or suggest all of the elements of the inventions recited in independent Claims 1, 8 and 15. Walley has not been cited to cure the deficiencies of Junghans but only for the premise of teaching the subject matter of dependent Claims 7, 14 and 20. Thus, the cited combination of Junghans and Walley does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20 which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 7, 14 and 20 under 35 U.S.C. §103(a) and request issuance of allowance thereof.

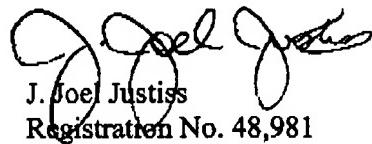
IV. Conclusion

In view of the foregoing remarks, the Applicants see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-2, 4-9 and 11-22.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

Dated: 12/29/04
P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800